

(2) *the requirements for tree removal and corresponding tree mitigation fees, if applicable;*

(3) *the requirements for tree-planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity; or*

(4) *the amount of a tree mitigation fee.*

(h) *A municipality may not prohibit the removal of or impose a tree mitigation fee for the removal of a tree that:*

(1) *is diseased or dead; or*

(2) *poses an imminent or immediate threat to persons or property.*

(i) *This section does not apply to property within five miles of a federal military base in active use as of December 1, 2017.*

SECTION 2. The changes in law made by this Act apply only to a tree mitigation fee assessed by a municipality on or after the effective date of this Act.

SECTION 3. This Act takes effect December 1, 2017.

Passed by the House on July 28, 2017: Yeas 130, Nays 9, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 7 on August 15, 2017: Yeas 119, Nays 23, 1 present, not voting; passed by the Senate, with amendments, on August 15, 2017: Yeas 17, Nays 14.

Approved August 16, 2017.

Effective December 1, 2017.

**PUBLIC SCHOOL FINANCE, INCLUDING FUNDING FOR THE
RECRUITMENT AND RETENTION OF TEACHERS AND THE
SUPPORT OF PARTICIPANTS IN THE PUBLIC SCHOOL
EMPLOYEES GROUP INSURANCE PROGRAM**

CHAPTER 8

H.B. No. 21

AN ACT

relating to public school finance, including funding for the recruitment and retention of teachers and the support of participants in the public school employees group insurance program.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Effective September 1, 2018, Section 12.106, Education Code, is amended by amending Subsection (a-1) and adding Subsections (d), (e), (f), and (g) to read as follows:

(a-1) In determining funding for an open-enrollment charter school under Subsection (a):

(1) [;] adjustments under Sections 42.102, [~~42.103~~] 42.104, and 42.105 are based on the average adjustment for the state; and

(2) *the adjustment under Section 42.103 is based on the average adjustment for the state that would have been provided under that section as it existed on January 1, 2018.*

(d) *Subject to Subsection (e), in addition to other amounts provided by this section, a charter holder is entitled to receive, for the open-enrollment charter school, funding per student in average daily attendance in an amount equal to the guaranteed level of state and local funds per student per cent of tax effort under Section 46.032(a) multiplied by the lesser of:*

(1) the state average interest and sinking fund tax rate imposed by school districts for the current year; or

(2) a rate that would result in a total amount to which charter schools are entitled under this subsection for the current year equal to \$60 million.

(e) A charter holder is entitled to receive funding under Subsection (d) only if the most recent overall performance rating assigned to the open-enrollment charter school under Subchapter C, Chapter 39, reflects at least acceptable performance. This subsection does not apply to a charter holder that operates a school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital.

(f) Funds received by a charter holder under Subsection (d) may only be used:

(1) to lease an instructional facility;

(2) to pay property taxes imposed on an instructional facility;

(3) to pay debt service on bonds issued to finance an instructional facility; or

(4) for any other purpose related to the purchase, lease, sale, acquisition, or maintenance of an instructional facility.

(g) In this section, "instructional facility" has the meaning assigned by Section 46.001.

SECTION 2. Section 13.054(g), Education Code, as amended by Chapter 425 (S.B. 1353), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(g) In order to assist with the costs of facility renovation, repair, and replacement, a district to which territory is annexed under this section is entitled to additional state aid for five years, beginning with the school year in which the annexation occurs. The commissioner shall determine the amount of additional state aid provided each year by dividing the amount of debt service taxes received by the district during the tax year preceding the tax year in which the annexation occurs by the number of students enrolled in the district immediately preceding the date of annexation, and multiplying that result by the number of additional students enrolled in the district on September 1 after the date of annexation. The commissioner shall provide additional state aid under this subsection from funds appropriated for purposes of the Foundation School Program ~~and available for that purpose~~. A determination by the commissioner under this subsection is final and may not be appealed.

SECTION 3. Subchapter A, Chapter 29, Education Code, is amended by adding Sections 29.026 and 29.027 to read as follows:

Sec. 29.026. **GRANT PROGRAM PROVIDING SERVICES TO STUDENTS WITH AUTISM.** (a) The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools that provide innovative services to students with autism.

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, may apply for a grant under this section.

(c) A program is eligible for a grant under this section if:

(1) the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;

(2) the program incorporates:

(A) evidence-based and research-based design;

(B) the use of empirical data on student achievement and improvement;

(C) parental support and collaboration;

(D) the use of technology;

(E) meaningful inclusion; and

(F) the ability to replicate the program for students statewide;

- (3) *the program gives priority for enrollment to students with autism;*
- (4) *the program limits enrollment and services to students who are:*
 - (A) *at least three years of age; and*
 - (B) *younger than nine years of age or are enrolled in the third grade or a lower grade level; and*
- (5) *the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year.*
- (d) *A school district or open-enrollment charter school may not:*
 - (1) *charge a fee for the program, other than those authorized by law for students in public schools;*
 - (2) *require a parent to enroll a child in the program;*
 - (3) *allow an admission, review, and dismissal committee to place a student in the program without the written consent of the student's parent or guardian; or*
 - (4) *continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program.*
- (e) *A program under this section may:*
 - (1) *alter the length of the school day or school year or the number of minutes of instruction received by students;*
 - (2) *coordinate services with private or community-based providers;*
 - (3) *allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner; and*
 - (4) *adopt staff qualifications and staff to student ratios that differ from the applicable requirements of this title.*
- (f) *The commissioner shall adopt rules creating an application and selection process for grants awarded under this section.*
- (g) *The commissioner shall create an external panel of stakeholders, including parents of students with disabilities, to provide assistance in the selection of applications for the award of grants under this section.*
- (h) *The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (c). In selecting programs, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.*
- (i) *The commissioner shall select programs and award grant funds to those programs beginning in the 2018–2019 school year. The selected programs are to be funded for two years.*
- (j) *A grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program funds that the district or charter school is otherwise entitled to receive. A grant awarded under this section may not come out of Foundation School Program funds.*
- (k) *The commissioner shall set aside an amount not to exceed \$20 million from the total amount of funds appropriated for the 2018–2019 fiscal biennium to fund grants under this section. The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018–2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.*
- (l) *The commissioner and any program selected under this section may accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the program. The commissioner and any program selected under this section may not require any financial contribution from parents to implement and administer the program.*

(m) *The commissioner may consider a student with autism who is enrolled in a program funded under this section as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting.*

(n) *Not later than December 31, 2020, the commissioner shall publish a report on the grant program established under this section. The report must include:*

(1) recommendations for statutory or funding changes necessary to implement successful innovations in the education of students with autism; and

(2) data on the academic and functional achievements of students enrolled in a program that received a grant under this section.

(o) *This section expires September 1, 2021.*

Sec. 29.027. GRANT PROGRAM PROVIDING SERVICES TO STUDENTS WITH DYSLEXIA. (a) *The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools that provide innovative services to students with dyslexia.*

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, may apply for a grant under this section.

(c) A program is eligible for a grant under this section if:

(1) the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;

(2) the program incorporates:

(A) evidence-based and research-based design;

(B) the use of empirical data on student achievement and improvement;

(C) parental support and collaboration;

(D) the use of technology;

(E) meaningful inclusion; and

(F) the ability to replicate the program for students statewide;

(3) the program gives priority for enrollment to students with dyslexia;

(4) the program limits enrollment and services to students who are:

(A) at least three years of age; and

(B) younger than nine years of age or are enrolled in the third grade or a lower grade level; and

(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year.

(d) A school district or open-enrollment charter school may not:

(1) charge a fee for the program, other than those authorized by law for students in public schools;

(2) require a parent to enroll a child in the program;

(3) allow an admission, review, and dismissal committee to place a student in the program without the written consent of the student's parent or guardian; or

(4) continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program.

(e) A program under this section may:

(1) alter the length of the school day or school year or the number of minutes of instruction received by students;

(2) coordinate services with private or community-based providers;

(3) allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner; and

(4) adopt staff qualifications and staff to student ratios that differ from the applicable requirements of this title.

(f) The commissioner shall adopt rules creating an application and selection process for grants awarded under this section.

(g) The commissioner shall create an external panel of stakeholders, including parents of students with disabilities, to provide assistance in the selection of applications for the award of grants under this section.

(h) The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (c). In selecting programs, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.

(i) The commissioner shall select programs and award grant funds to those programs beginning in the 2018–2019 school year. The selected programs are to be funded for two years.

(j) A grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program funds that the district or charter school is otherwise entitled to receive. A grant awarded under this section may not come out of Foundation School Program funds.

(k) The commissioner shall set aside an amount not to exceed \$20 million from the total amount of funds appropriated for the 2018–2019 fiscal biennium to fund grants under this section. The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018–2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.

(l) The commissioner and any program selected under this section may accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the program. The commissioner and any program selected under this section may not require any financial contribution from parents to implement and administer the program.

(m) The commissioner may consider a student with dyslexia who is enrolled in a program funded under this section as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting.

(n) Not later than December 31, 2020, the commissioner shall publish a report on the grant program established under this section. The report must include:

(1) recommendations for statutory or funding changes necessary to implement successful innovations in the education of students with dyslexia; and

(2) data on the academic and functional achievements of students enrolled in a program that received a grant under this section.

(o) This section expires September 1, 2021.

SECTION 4. Effective September 1, 2023, Sections 42.103(b) and (d), Education Code, are amended to read as follows:

(b) The basic allotment of a school district that ~~contains at least 300 square miles and~~ has not more than 1,600 students in average daily attendance is adjusted by applying the formula:

$$AA = (1 + ((1,600 - ADA) \times .0004)) \times ABA$$

(d) The basic allotment of a school district that offers a kindergarten through grade 12 program and has less than 5,000 students in average daily attendance is adjusted by applying the formula, of the following formulas, that results in the greatest adjusted allotment:

(1) the formula in Subsection (b), if ~~or (e) for which~~ the district is eligible for that formula; or

(2) $AA = (1 + ((5,000 - ADA) \times .000025)) \times ABA$.

SECTION 5. Effective September 1, 2018, Section 42.103(c), Education Code, is amended to read as follows:

(c) The basic allotment of a school district that contains less than 300 square miles and has not more than 1,600 students in average daily attendance is adjusted by applying the following formulas ~~[formula]~~:

(1) for the fiscal year beginning September 1, 2018:

$$AA = (1 + ((1,600 - ADA) \times .000275 \text{ [-00025]})) \times ABA$$

;

(2) for the fiscal year beginning September 1, 2019:

$$AA = (1 + ((1,600 - ADA) \times .00030)) \times ABA$$

;

(3) for the fiscal year beginning September 1, 2020:

$$AA = (1 + ((1,600 - ADA) \times .000325)) \times ABA$$

;

(4) for the fiscal year beginning September 1, 2021:

$$AA = (1 + ((1,600 - ADA) \times .00035)) \times ABA$$

; and

(5) for the fiscal year beginning September 1, 2022:

$$AA = (1 + ((1,600 - ADA) \times .000375)) \times ABA$$

SECTION 6. Chapter 42, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. FINANCIAL HARDSHIP TRANSITION PROGRAM

Sec. 42.451. *FINANCIAL HARDSHIP GRANTS.* (a) From amounts appropriated for this subchapter, the commissioner may administer a grant program that provides grants to school districts to defray financial hardships resulting from changes made to Chapter 41 and this chapter that apply after the 2016–2017 school year.

(b) The commissioner shall award grants under this subchapter to districts as provided by Section 42.452.

(c) Except as provided by Subsection (d), funding provided to a district under this subchapter is in addition to all other funding provided under Chapter 41 and this chapter.

(d) A district is not eligible for funding under this subchapter for a school year if the district receives for that school year an adjustment of the district's taxable value of property under Section 42.2521. A district may decline an adjustment under Section 42.2521 to maintain eligibility for funding under this subchapter.

(e) The commissioner may obtain additional information as needed from a district or other state or local agency to make determinations in awarding grants under this subchapter.

Sec. 42.452. *AWARD OF GRANTS; AMOUNT.* (a) The commissioner shall award grants to school districts based on the following formula:

$$HG = (PL - CL) \times (TR) \times (TAHG/TEHG)$$

where:

"HG" is the amount of a district's hardship grant;

"PL" is the amount of funding under previous law to which a district would be entitled under Chapter 41 and this chapter as those chapters existed on January 1, 2017, determined using current school year data for the district;

“CL” is the amount of current law funding under Chapter 41 and this chapter to which a district is entitled;

“TR” is a district’s maintenance and operations tax rate, as specified by the comptroller’s most recent certified report;

“TAHG” is the total funding available for grants under Section 42.456 for a school year; and

“TEHG” is the sum of the combined amounts for all districts calculated by applying the formula $(PL - CL) \times (TR)$ for each district.

(b) A school district’s hardship grant awarded under this subchapter for a school year may not exceed the lesser of:

(1) the amount equal to 10 percent of the total amount of funds available for grants under this subchapter for that school year; or

(2) the amount by which “PL” exceeds “CL” for that district for that school year.

(c) For purposes of calculating the formula under Subsection (a), the commissioner shall:

(1) in determining the values of “PL” and “CL” for a school district, exclude the amount of revenue received by the district as a result of Section 13.054 or an administrative rule related to that section;

(2) if the value of $(PL - CL)$ for a school district results in a negative number, use zero for the value of $(PL - CL)$;

(3) if a school district’s maintenance and operations tax rate (“TR”) is greater than \$1, use \$1 for the value of “TR”;

(4) use a maintenance and operations tax rate (“TR”) of \$1 for each open-enrollment charter school, each special-purpose school district established under Subchapter H, Chapter 11, and the South Texas Independent School District; and

(5) if $(TAHG / TEHG)$ equals a value greater than one, use a value of one for $(TAHG / TEHG)$.

(d) If funds remain available under this subchapter for a school year after determining initial grant amounts under Subsection (a), as adjusted to reflect the limits imposed by Subsection (b), the commissioner shall reapply the formula as necessary to award all available funds.

(e) If the commissioner reapplies the formula in accordance with Subsection (d), a school district that was ineligible under Section 42.455 for a grant during the initial application of the formula for that school year is eligible to receive a grant as a result of the formula reapplication.

Sec. 42.453. ELIGIBILITY OF OPEN-ENROLLMENT CHARTER SCHOOL. An open-enrollment charter school is eligible for a grant under this subchapter in the same manner as a school district.

Sec. 42.454. REGIONAL EDUCATION SERVICE CENTERS AND COUNTY DEPARTMENTS OF EDUCATION NOT ELIGIBLE. A regional education service center or a county department of education is not eligible for a grant under this subchapter.

Sec. 42.455. CERTAIN SCHOOL DISTRICTS NOT ELIGIBLE. Except as provided by Section 42.452(e), a school district is not eligible for a grant under this subchapter if for the 2015–2016 school year the district’s expenditures per student in weighted average daily attendance, excluding bond debt service payments, capital outlays, and facilities acquisition and construction costs, exceeded an amount that is equal to 120 percent of the state average amount for that school year of expenditures per student in weighted average daily attendance, excluding bond debt service payments, capital outlays, and facilities acquisition and construction costs, as those amounts are determined by the commissioner.

Sec. 42.456. FUNDING LIMIT. The amount of grants awarded by the commissioner under this subchapter may not exceed \$100 million for the 2017–2018 school year or \$50 million for the 2018–2019 school year.

Sec. 42.457. *NO ADJUSTMENT BASED ON REVISED DATA.* The commissioner may not adjust the amount of a school district's grant under this subchapter based on revisions to the district's data received after a grant has been awarded.

Sec. 42.458. *RULES.* The commissioner may adopt rules as necessary to administer this subchapter.

Sec. 42.459. *DETERMINATION FINAL.* A determination by the commissioner under this subchapter is final and may not be appealed.

Sec. 42.460. *EXPIRATION.* This subchapter expires September 1, 2019.

SECTION 7. Chapter 42, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. TEXAS COMMISSION ON PUBLIC SCHOOL FINANCE

Sec. 42.601. *DEFINITION.* In this subchapter, "commission" means the Texas Commission on Public School Finance.

Sec. 42.602. *TEXAS COMMISSION ON PUBLIC SCHOOL FINANCE.* (a) The Texas Commission on Public School Finance is established to develop and make recommendations for improvements to the current public school finance system or for new methods of financing public schools.

(b) The commission is composed of 13 members, consisting of the following:

- (1) four members appointed by the governor;
- (2) four members appointed by the lieutenant governor;
- (3) four members appointed by the speaker of the house of representatives; and
- (4) a member of the State Board of Education, as designated by the chair of that board.

(c) The members appointed by the governor must have an interest in public education and include at least:

- (1) one person who is a current or retired classroom teacher with at least 10 years of teaching experience;
- (2) one person who is a member of the business community; and
- (3) one person who is a member of the civic community.

(d) The appointments made by the lieutenant governor and the speaker of the house of representatives must each consist of:

- (1) three members of the applicable legislative chamber; and
- (2) an administrator in the public school system or an elected member of the board of trustees of a school district.

(e) In making appointments under Subsections (b)(1), (2), and (3), the governor, lieutenant governor, and speaker of the house of representatives shall coordinate to ensure that the membership of the commission reflects, to the extent possible, the ethnic and geographic diversity of this state.

Sec. 42.603. *PRESIDING OFFICER.* The governor shall designate the presiding officer of the commission.

Sec. 42.604. *COMPENSATION AND REIMBURSEMENT.* A member of the commission is not entitled to compensation for service on the commission but is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties.

Sec. 42.605. *ADMINISTRATIVE SUPPORT AND FUNDING.* (a) Staff members of the agency shall provide administrative support for the commission.

(b) Funding for the administrative and operational expenses of the commission shall be provided by appropriation to the agency for that purpose.

Sec. 42.606. *RECOMMENDATIONS.* (a) The commission shall develop recommenda-

tions under this subchapter to address issues related to the public school finance system, including:

(1) the purpose of the public school finance system and the relationship between state and local funding in that system;

(2) the appropriate levels of local maintenance and operations and interest and sinking fund tax effort necessary to implement a public school finance system that complies with the requirements under the Texas Constitution; and

(3) policy changes to the public school finance system necessary to adjust for student demographics and the geographic diversity in the state.

(b) The commission may establish one or more working groups composed of not more than five members of the commission to study, discuss, and address specific policy issues and recommendations to refer to the commission for consideration.

Sec. 42.607. **REPORT.** Not later than December 31, 2018, the commission shall prepare and deliver a report to the governor and the legislature that recommends statutory changes to improve the public school finance system, including any adjustments to funding to account for student demographics.

Sec. 42.608. **PUBLIC MEETINGS AND PUBLIC INFORMATION.** (a) The commission may hold public meetings as needed to fulfill its duties under this subchapter.

(b) The commission is subject to Chapters 551 and 552, Government Code.

Sec. 42.609. **COMMISSION ABOLISHED; EXPIRATION OF SUBCHAPTER.** (a) The commission is abolished January 8, 2019.

(b) This subchapter expires January 8, 2019.

SECTION 8. Effective September 1, 2018, Section 46.032(a), Education Code, is amended to read as follows:

(a) Each school district is guaranteed a specified amount per student in state and local funds for each cent of tax effort to pay the principal of and interest on eligible bonds. The amount of state support, subject only to the maximum amount under Section 46.034, is determined by the formula:

$$EDA = (EDGL \times ADA \times EDTR \times 100) - (EDTR \times (DPV/100))$$

where:

“EDA” is the amount of state funds to be allocated to the district for assistance with existing debt;

“EDGL” is the dollar amount guaranteed level of state and local funds per student per cent of tax effort, which is the lesser of:

(1) \$40 [~~\$35~~] or a greater amount for any year provided by appropriation; or

(2) the amount that would result in a total additional amount of state funds under this subchapter for the current year equal to \$60 million in excess of the state funds to which school districts would have been entitled under this section if the guaranteed level amount were \$35;

“ADA” is the number of students in average daily attendance, as determined under Section 42.005, in the district;

“EDTR” is the existing debt tax rate of the district, which is determined by dividing the amount budgeted by the district for payment of eligible bonds by the quotient of the district’s taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100; and

“DPV” is the district’s taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521.

SECTION 9. (a) The amount of \$311,000,000 of the unencumbered appropriations from the general revenue fund for the state fiscal biennium ending August 31, 2019, made by S.B. 1, Acts of the 85th Legislature, Regular Session, 2017 (the General Ap-

propriations Act), to the Health and Human Services Commission is transferred to the Texas Education Agency to be used by the agency during that state fiscal biennium as follows:

- (1) \$150,000,000 is allocated to fund financial hardship grants under Subchapter H, Chapter 42, Education Code, as added by this Act;
- (2) \$60,000,000 is allocated to fund payments to open-enrollment charter schools under Section 12.106(d), Education Code, as added by this Act;
- (3) \$60,000,000 is allocated for the existing debt allotment under Section 46.032, Education Code, as amended by this Act; and
- (4) \$41,000,000 is allocated for the small-sized district adjustment under Section 42.103, Education Code, as amended by this Act.

(b) The Health and Human Services Commission shall identify the strategies and objectives out of which the transfer under Subsection (a) of this section is to be made. If the commission makes the amount of appropriations transferred under Subsection (a) of this section available by delaying until the state fiscal biennium beginning September 1, 2019, the monthly capitation payments otherwise due in August 2019 to managed care organizations that contract with the commission to provide health care services to Medicaid recipients, the commission shall make the delayed payments as soon as possible out of available money appropriated to the commission for that state fiscal biennium.

(c) Notwithstanding the sum-certain appropriations specified in Rider 3, Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the bill pattern of the appropriations to the Texas Education Agency, the Legislative Budget Board shall determine the sum-certain appropriation to the Foundation School Program for each year of the state fiscal biennium beginning September 1, 2017, based on the amount specified in that rider, the other provisions of the General Appropriations Act, and other law, including the provisions of this Act.

SECTION 10. (a) The amount of \$212,000,000 of the unencumbered appropriations from the general revenue fund for the state fiscal biennium ending August 31, 2019, made by S.B. 1, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the Health and Human Services Commission is transferred to the Teacher Retirement System of Texas and may be used by the retirement system during that state fiscal biennium to increase school districts' recruitment and retention of school teachers and provide support to participants in the Texas Public School Employees Group Insurance Program authorized by Chapter 1575, Insurance Code. The Health and Human Services Commission shall identify the strategies and objectives out of which the transfer is to be made.

(b) The Teacher Retirement System of Texas may use the money transferred under Subsection (a) of this section to:

- (1) decrease the premiums and deductibles that would otherwise be paid during the 2018 and 2019 plan years by participants in the Texas Public School Employees Group Insurance Program authorized by Chapter 1575, Insurance Code; and
- (2) reduce costs for an enrolled adult child with a mental disability or a physical incapacity during the 2018 and 2019 plan years.

(c) The Teacher Retirement System of Texas shall determine the most efficient allocation of the money transferred under Subsection (a) of this section to achieve the maximum benefit for participants in the program.

SECTION 11. Section 5, Chapter 425 (S.B. 1353), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

SECTION 12. Effective September 1, 2023, Section 42.103(c), Education Code, is repealed.

SECTION 13. Not later than the 30th day after the effective date of the section of this Act adding Subchapter L, Chapter 42, Education Code, the appropriate persons shall make the appointments and designations required by Section 42.602, Education Code, as added by this Act.

SECTION 14. Except as otherwise provided by this Act:

(1) this Act takes effect September 1, 2017, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for effect on that date, this Act takes effect on the 91st day after the last day of the legislative session.

Passed by the House on August 7, 2017: Yeas 130, Nays 13, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 21 on August 15, 2017: Yeas 94, Nays 46, 1 present, not voting; passed by the Senate, with amendments, on August 15, 2017: Yeas 25, Nays 6.

Approved August 16, 2017.

Effective November 14, 2017, except Sections 1, 5, and 8 take effect September 1, 2018, and Sections 4 and 12 take effect September 1, 2023.

REPORTING AND CERTIFICATION REQUIREMENTS BY CERTAIN PHYSICIANS REGARDING CERTAIN ABORTIONS

CHAPTER 9

H.B. No. 215

AN ACT

relating to reporting and certification requirements by certain physicians regarding certain abortions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 170.002(c), Health and Safety Code, is amended to read as follows:

(c) A physician who performs an abortion that, according to the physician's best medical judgment at the time of the abortion, is to abort a viable unborn child during the third trimester of the pregnancy shall certify in writing to the ~~commission~~ [department], on a form prescribed by the ~~commission~~ [department], the medical indications supporting the physician's judgment that the abortion was authorized by Subsection (b)(2) or (3). *If the physician certifies the abortion was authorized by Subsection (b)(3), the physician shall certify in writing on the form the fetal abnormality identified by the physician.*

The certification must be made not later than the 30th day after the date the abortion was performed.

SECTION 2. Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.006 to read as follows:

Sec. 171.006. REPORTING REQUIREMENTS FOR ABORTIONS PERFORMED ON WOMEN YOUNGER THAN 18 YEARS OF AGE. (a) *For each abortion performed on a woman who is younger than 18 years of age, the physician who performed the abortion shall document in the woman's medical record and report to the commission in the report required under Section 245.011:*

(1) *one of the following methods for obtaining authorization for the abortion:*

(A) *the woman's parent, managing conservator, or legal guardian provided the written consent required by Section 164.052(a)(19), Occupations Code;*

(B) *the woman obtained judicial authorization under Section 33.003 or 33.004, Family Code;*

(C) *the woman consented to the abortion if the woman has had the disabilities of minority removed and is authorized under law to have the abortion without the written consent required by Section 164.052(a)(19), Occupations Code, or without judicial authorization under Section 33.003 or 33.004, Family Code; or*